

# **ALABAMA BOARD OF NURSING**

## **Chapter 610-X-13**

### **Voluntary Disciplinary Alternative Program**

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**610-X-13-.01 Voluntary Disciplinary Alternative Program (VDAP).** The Board established the Voluntary Disciplinary Alternative Program in accordance with Act 93-183. Registered nurses, licensed practical nurses, and applicants issued a valid temporary permit for licensure accepted to participate in the VDAP are accountable for compliance with all terms set forth in the VDAP agreement.

**Author:** Alabama Board of Nursing

**Statutory Authority:** **Code of Alabama, 1975, § 34-21-25.**

**History:** Effective August 29, 1994. **Repealed and Replaced:** Filed May 20, 2002. Effective June 25, 2002.

#### **610-X-13-.02 Criteria for Eligibility.**

(1) In order to gain admission to the VDAP, a registered nurse, licensed practical nurse or first time applicant for licensure in Alabama shall:

(a) Be licensed or hold a temporary permit to practice nursing in the State of Alabama.

(b) Have had no previous disciplinary action against the nursing license in any jurisdiction nor have been terminated from any alternative disciplinary program participation for noncompliance.

(c) Voluntarily request participation in the VDAP.

(d) Admit to use or abuse of substances or chemical dependency or a physical or mental condition that may result in being unable to safely provide care to patients.

(e) Acknowledge in writing:

(i) The extent of the condition or conditions leading to the voluntary request for participation in the alternative to discipline program.

(ii) That his or her conduct is unprofessional and grounds for disciplinary action.

(f) Provide disclosure authorizations, releases of liability and any other records including but not limited to evaluations and treatment information as requested by the Board.

(g) Cease nursing practice until the Board recognized treatment provider(s) and VDAP staff determines that the nurse is safe to practice.

(h) Agree in writing to the terms set forth in the Board agreement for the VDAP.

(i) Be diagnosed by a Board-approved licensed physician or certified registered nurse practitioner experienced in addiction medicine.

(j) Receive chemical dependency or substance abuse treatment by a Board-recognized treatment provider as defined in these rules. If approved by the Board as an advanced practice nurse, agree to treatment provided at a Board-recognized treatment provider with a health care professionals tract.

**Author:** Alabama Board of Nursing

**Statutory Authority:** Code of Alabama, 1975, § 34-21-25.

**History:** Effective August 29, 1994. **Repealed and Replaced:** Filed May 20, 2002. Effective June 25, 2002. **Amended:** Filed November 22, 2005. Effective December 27, 2005.

**610-X-13-.03 Requirements for Participation in Program.** A nurse participating in the program shall:

(1) Be accountable for meeting all terms set forth in the VDAP agreement.

(2) Be responsible for all costs for treatment and monitoring.

(3) Use Board-recognized treatment providers and laboratory facilities.

(4) Comply with treatment provider recommendations for the duration of the VDAP agreement.

(5) Maintain a sponsor throughout the duration of the agreement if specified in the VDAP agreement.

**Author:** Alabama Board of Nursing

**Statutory Authority:** Code of Alabama, 1975, § 34-21-25.

**History:** Effective August 29, 1994. **Repealed and Replaced:** Filed May 20, 2002. Effective June 25, 2002. **Amended:** Filed November 22, 2005. Effective December 27, 2005.

#### **610-X-13-.04 Board Recognized Treatment Providers.**

(1) It is within the Board's discretion to recognize treatment providers.

(2) The Board-recognized treatment provider shall meet the following criteria:

(a) Conduct or provide for, by a qualified provider, assessment, evaluation, diagnosis, and treatment of:

(i) Substance use or abuse or chemical dependency.

(ii) Physical illness.

(iii) Psychiatric and mental illness.

(b) Conduct, during the initial phase of treatment, biological testing and screening for drugs, chemicals, and alcohol that are analyzed by qualified medical and laboratory personnel. A drug screen that is positive during treatment requires confirmation, at the applicant or licensee's expense, from a laboratory approved by the Board. The treatment provider shall notify the Board's designee(s) of any drug screen deemed positive.

(c) Communicate, in a timely manner, with authorized Board designee(s), through electronic communications and written reports:

(i) Compliance with treatment requirements.

(ii) Data necessary to develop stipulations for the VDAP agreement.

(iii) Changes in treatment

(iv) Data essential to conduct compliance monitoring by the Board's designee(s).

(d) Provide individualized written plan(s) of care including assessment and diagnosis, treatment goals, discharge criteria, guidelines for continuing recovery, and recommendations for return to practice.

(e) Be approved by the State Department of Mental Health or a Board-recognized approving body.

(f) Conduct or provide for continuing care for a minimum one day per week for twelve months following initial treatment but longer if deemed necessary by the treatment provider.

(g) Incorporate the 12-step philosophy into treatment and require, at a minimum, the applicant or licensee's attendance at a minimum of three (3) 12-step meetings per week during the initial phase of treatment.

(h) For intensive outpatient programs, provide at a minimum 100 hours of treatment per episode, excluding continuing care, at least three (3) days per week in the initial phase.

**Author:** Alabama Board of Nursing

**Statutory Authority:** Code of Alabama, 1975, § 34-21-25.

**History:** Effective August 29, 1994. **Repealed and Replaced:** Filed May 20, 2002. Effective June 25, 2002. **Amended:** Filed November 22, 2005. Effective December 27, 2005.

#### **610-X-13-.05 Causes for Denial to Enter Program.**

(1) Admission to the program shall be denied if the applicant:

(a) Does not meet eligibility requirements for admission.

(b) Is not eligible for licensure in the State of Alabama.

(c) Diverted controlled substances for other than self-administration.

(d) Has had nursing practice problems resulting in the death of a patient or involving significant harm or potentially significant harm to a patient.

(e) Will not substantially benefit from participation in the program as determined by Board designee(s).

- (f) Has a felony conviction.
- (g) Has any conviction related to the sale or distribution of controlled substances or legend prescription drugs.

**Author:** Alabama Board of Nursing

**Statutory Authority:** **Code of Alabama, 1975**, § 34-21-25.

**History:** Effective August 29, 1994. **Repealed and Replaced:** Filed May 20, 2002. Effective June 25, 2002. **Amended:** Filed November 22, 2005. Effective December 27, 2005.

#### **610-X-13-.06 Causes for Termination from the Program.**

- (1) Prior to program completion:
  - (a) Noncompliance with any aspect of the program agreement.
  - (b) Any violation of federal or state statutes or rules.
  - (c) Receipt of information by the Board, which after investigation, results in disciplinary action by the Board.
- (2) Completion of the program requires:
  - (a) Compliance with all program requirements specified in the VDAP agreement.
  - (b) Notice of formal release as approved by the Board.

**Author:** Alabama Board of Nursing

**Statutory Authority:** **Code of Alabama, 1975**, § 34-21-25.

**History:** Effective August 29, 1994. **Repealed and Replaced:** Filed May 20, 2002. Effective June 25, 2002.

**610-X-13-.07 Confidentiality of Records.** Confidentiality of records shall be consistent with requirements of the **Code of Alabama 1975** Section 34-21-25.

**Author:** Alabama Board of Nursing

**Statutory Authority:** **Code of Alabama, 1975**, § 34-21-25.

**History:** Effective August 29, 1994. **Repealed and Replaced:** Filed May 20, 2002. Effective June 25, 2002.